IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3471 OF 2004

Chandrakant Balkrishna Shedge ... Applicant

versus

The State of Maharashtra ... Respondent

...

Mr. Haji Panna with Mr. S.R. Pasbola, for the Applicant.

Mr. D.S. Mhaispurkar, Spl. P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

8th December 2004

P.C.:

. Heard Counsel for the parties. The prosecution case is that the Applicant is involved in relation to offence committed on the night of 23rd May 2001 when one Yatin Amarchand Shah, a jeweller from Kalyan, who has his shop at Murbad, on his way back to Kalyan, was accosted by 8 persons, who came in two cars. They were armed with revolvers and knives. Cash of Rs.

12,000/-, which belonged to the said Yatin Amarchand Shah, and ornaments of Rs.1,30,000/- were robbed from him. Later on, the driver and the mother of the said Yatin Amarchand Shah were released and the said 8 persons carried Yatin Amarchand Shah along with them to an unknown place, which was a farm house and from where he was taken to another place at Saswad, Pune. Demand of Rs. 1 crore was made from the relations of said Yatin Amarchand Shah for his release, which was, later on, reduced to Rs. 20 lakhs; and on payment of the said amount, the complainant came to be released. Insofar as the Applicant is concerned, although the Applicant has not been identified, but there is strong circumstance, which is evident from the materials collected during the investigation that the Applicant at the time of his arrest on 15th August 2001 was found in possession of a foreign make revolver without any licence. Besides, it has come in evidence that immediately after the incident, on 23rd May 2001, the Applicant possessed unaccounted wealth out of which he squandered Rs. 40,000/- on a bar girl and presented gold ornaments to her. Besides, he gave sum of Rs. 30,000/- to his brother for

taking accommodation on rent at Darpan Housing Society, as also made available sum of Rs. 50,000/- for purchase of motor cycle, which has also been seized during investigation. This amount in possession of the Applicant has not been accounted for, which is a strong circumstance to prima facie accept the prosecution case of involvement of the Applicant in the commission of the alleged offence. Assuming that the Applicant may be justified in contending that there is no clear material to implicate the Applicant in the commission of the offence, even so, this Court will have to keep in mind the provisions of section 21(4) of the Act, which bars the Court from enlarging an accused involved in the offence on bail, if there is material to show that, on his release, he may indulge in similar offence. From the antecedents of the Applicant, it is seen that he was involved in commission of similar offences in the past. If it is so, there is reason to accept the apprehension of the prosecution that if the Applicant is released on bail, he may indulge in similar offence and may also resort to influencing the prosecution witnesses or tampering the prosecution evidence. If this is

so, no fault can be found with the conclusion reached by the Court below in rejecting the bail application preferred by the Applicant in relation to the offence in question. In other words, this is not a fit case for grant of bail. Hence, rejected.

. I am informed by the learned Spl. P.P. that the trial Court has fixed the matter for framing of charge on 31st December 2004 and the trial of the case will commence from January 2005. The trial Court is directed to ensure early disposal of the case.

(A.M.KHANWILKAR,J.)